

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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**EIGHTY-FIRST LEGISLATIVE DAY  
THURSDAY, MARCH 29, 2012**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Karl Lundgren, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 28, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SR 105

#### BY JUDICIARY AND RULES COMMITTEE

#### A SENATE RESOLUTION

STATING FINDINGS OF THE SENATE AND AMENDING  
RULE 39 OF THE RULES OF THE SENATE RELATING TO  
VOTING.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable that Rule 39 of the Rules of the Senate be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixty-first Idaho Legislature, that Rule 39 of the Rules of the Senate shall be amended to read as follows:

#### RULE 39

Voting. – (A) Every Senator, when a question is put, either on the Senate floor or in committee, being present and in his seat, shall vote. Any Senator upon a reasonable cause stated may move to be excused from voting. Such motion is undebatable and requires a two-thirds vote. No Senator may vote unless present and in his seat nor may he vote for the first time on any question inconsistent with his position as a moving party or as openly stated in debate. All Senators reporting present under a Call of the Senate must,

after the call is lifted, remain within the Senate Chamber and vote on the question for which the Senate was called unless excused as herein provided.

Under no circumstance shall a roll call, once ordered, be interrupted except to explain a vote under the provisions of Mason's Manual of Legislative Procedure, Section 528, or call to or for order.

Voting excused. – (B) A request to be excused from voting shall not be in order unless made before the Senate divides or the roll call is begun. Roll Call Vote. – (C) Ayes and nays shall not be ordered or recorded except upon final passage of bills, joint resolutions, motions for expenditure of public monies or incurring obligations therefor, motions requiring a two-thirds majority vote, or upon request of any Senator with at least two other Senators rising in support thereof; provided, no roll call vote shall be permitted in the Committee of the Whole Senate under any circumstances. Division of the Senate. – (D) When any question shall be put to determination by voice vote and there be any reasonable doubt as to the prevailing vote, the Chair shall first state that "The Chair is in doubt" before announcing the final result. At any time before announcement of the final result, any Senator may request a division of the Senate, whereupon the vote shall be determined by those favoring the ayes standing, followed by those favoring the nays standing. A request for a roll call vote may be made before announcement of the result of the division of the Senate. Explanation of Vote. – (E) Any Senator may explain his vote when his name is called upon a roll call vote, provided he has not participated in debate, and provided further that such explanation shall not exceed one minute duration. What Constitutes Debate. – (F) Making an inquiry or suggestion, or asking or answering a question is not debate, unless in the discretion of the President persistent questioning constitutes abuse of this exception whereupon the Senator involved shall be so advised by the Chair. Change of Vote. – (G) Any Senator may change his vote before the decision of a question shall have been announced by the Chair but no explanation for such change shall be permitted. Right to Vote. – (H) A Senator has the right to vote upon all questions before the Senate and to participate in the business of the Senate and its committees and, in so doing, the Senator is presumed to act in good faith and in the public interest. If a Senator has with a conflict of interest under applicable law, such shall, on the day of and before casting a vote on the Senate floor, disclose the conflict must be disclosed to the verbally or in writing to all members of the Senate present. The presiding officer in writing or to the body shall ensure that such disclosure is entered upon the Journal. A Senator with a conflict of interest under applicable law shall, on the day of and before casting a vote in committee, disclose the conflict verbally or in writing to all committee members present. The committee chairman shall ensure that such disclosure is recorded in the committee minutes. Upon disclosure of any such conflict, the Senator may vote upon any question or issue to which the conflict relates, unless the Senator requests to be excused.

#### SR 106

#### BY JUDICIARY AND RULES COMMITTEE

#### A SENATE RESOLUTION

STATING FINDINGS OF THE SENATE AND AMENDING  
RULE 7 OF THE RULES OF THE SENATE RELATING TO  
EMPLOYEES OF THE SENATE.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable that Rule 7 of the Rules of the Senate be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixty-first Idaho Legislature, that Rule 7 of the Rules of the Senate shall be amended to read as follows:

#### RULE 7

Employees of Senate. – (A) The officers and employees of the Senate shall consist of one secretary, one assistant secretary, one journal clerk, one docket clerk, one chaplain, one sergeant at arms, one doorkeeper, two pages, one janitor, one payroll clerk, and such other assistants, clerks, secretaries, and other employees as the Senate may determine to be required for the expeditious conduct of its business. Duties of Employees. – (B) It shall be the duty of the Secretary of the Senate to attend each day, call the roll, read the journals and bills, and to copy or take charge of and superintend all copying necessary to be done for the Senate.

It shall be the duty of the Assistant Secretary of the Senate to take charge of all bills, petitions, and other papers presented to the Senate, to file and enter the same in the books provided for that purpose, and perform such other duties as may be directed by the Secretary of the Senate.

It shall furthermore be the duty of the Secretary of the Senate to keep a correct record of the proceedings of each day, for the purpose of having such proceedings entered in the Journal by the Journal Clerk.

It shall be the duty of the Journal Clerk of the Senate to record each day's proceedings in the Journal, from which they shall be read by the Secretary each day of meeting, in order that they may be authenticated by the signature of the President.

It shall be the duty of the Sergeant at Arms of the Senate to give a general supervision, under the direction of the presiding officers, of the Senate Chamber, with the rooms attached; to attend during the sittings of the Senate, execute its commands, together with all such proceedings issued by authority thereof, as shall be directed by the presiding officers.

It shall be the duty of the Doorkeeper to prohibit all persons from entering the bar of the Senate except those who by rule or invitation are permitted, and to arrest for contempt all persons outside of the bar or in the gallery found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

It shall be the duty of the Janitor to keep the furniture of the Senate in good order, and perform such other duties as he may be directed to do by the President Pro Tempore of the Senate.

It shall be the duty of the Payroll Clerk to prepare the payroll and all payroll documents, prepare all vouchers for all expenses of the Senate and keep all records pertaining thereto.

It shall be the duty of the Chaplain to open the proceedings of the Senate with prayer.

Selection and Pay of Employees. – (C) All employees of the Senate shall be selected by an attache committee, which committee shall be appointed by the Senate leadership, and the employees so selected shall be subject to the approval of the Senate. There shall be paid to the employees of the Senate, for all services rendered by them, such compensation as may be determined by Senate leadership. All employees of the Senate shall serve at the pleasure of the President Pro Tempore. The President Pro Tempore is authorized to retain such personnel as deemed necessary during the interim. Supervision of Employees.

– (D) Subject to the overall supervision of the President Pro Tempore, the Secretary of the Senate shall have general responsibility for all Senate employees, although doorkeepers, watchmen, janitors, pages, and others charged with housekeeping functions, shall be immediately responsible to the Sergeant at Arms. Removal of Employees. – (E) Any of the employees of the

~~Senate may be removed by a two-thirds vote of the members of the Senate for failure to perform the duties imposed upon them, or for incompetency, or for conduct which shall by the Senate be deemed improper.~~ Delivery of Bills and Papers to Secretary of State. – (FE) It shall be the duty of the Secretary of the Senate, at the close of each session of the legislature, to mark, label, and arrange all bills and papers belonging to the archives of the Senate, and to deliver the same, together with all the books of the Senate, to the Secretary of State, who shall certify to the reception of the same. Purchases, Etc. – (GF) No purchase shall be made or expense incurred by the Sergeant at Arms or any officer or employee of the Senate in its behalf except upon the written order of the President Pro Tempore.

#### SR 107

#### BY JUDICIARY AND RULES COMMITTEE

#### A SENATE RESOLUTION

STATING FINDINGS OF THE SENATE AND AMENDING RULE 53 OF THE RULES OF THE SENATE RELATING TO A COMMITTEE ON ETHICS.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable that Rule 53 of the Rules of the Senate be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixty-first Idaho Legislature, that Rule 53 of the Rules of the Senate shall be amended to read as follows:

#### RULE 53

Committee on Ethics. – (A) The President Pro Tempore shall receive ~~written, signed~~ complaints from any Senator concerning the alleged violation of the Rules of the Senate or the provisions of applicable law by a member of the Senate. Whenever such a complaint is received, the President Pro Tempore shall appoint a committee on ethics of six members, consisting of a chairman and five members, three of whom must be appointed with the concurrence of the leader of the party opposite to the party of the President Pro Tempore.

(B) The complaint shall be in writing, signed, verified and contain one or more of the following allegations:

(1) Substantial conduct unbecoming a Senator;

(2) A violation of the Rules of the Senate, including: (i) the disclosure of any information that is confidential concerning the preliminary investigation provided in subsection (E) of this Senate Rule; or (ii) the disclosure of any information, preliminary investigation or written complaint, except as provided in subsection (F) of this Senate Rule;

(3) A violation of any state law relating to the use of public office for private pecuniary gain;

(4) A violation of any state law relating to conflicts of interest; or

(5) A violation of any state law that brings discredit or embarrassment to the Senate or that constitutes a breach of public trust.

(C) The complaint shall be specific and supported by competent preliminary evidence of the violation of the Rules of the Senate or the provisions of applicable law, including: (i) the name of the member of the Senate alleged to be in violation; and (ii) the description of the facts and circumstances supporting each alleged violation.

(D) The President Pro Tempore shall provide the written complaint to the chairman of the committee on ethics. Subject to the provisions of this rule, the committee shall review the written complaint. The committee may dismiss any ethics complaint that:

(1) Does not comply with this Senate Rule;

(2) Contains alleged violations that occurred: (i) two years or more before the date on which the complaint was submitted to the committee; or (ii) before the accused Senator was sworn in to the Senate.

(E) The committee shall notify the ~~person~~ Senator complained against ~~whom~~ of the complaint was brought and shall provide ~~such person with~~ the Senator a copy of the complaint. The ~~person~~ Senator complained against may submit a written answer to the committee. The committee shall make a preliminary investigation of the complaint. Notwithstanding the provisions of Senate Rule 20, such investigatory meetings shall be held in executive session. If, after investigation, the committee determines no probable cause exists that a violation has occurred, the committee shall dismiss the complaint shall be dismissed and notify the complaining Senator and the Senator complained against. All proceedings of the committee, pursuant to this subsection (E), including the complaint and the appointment of the committee shall remain confidential.

(F) If, after investigation, the committee determines probable cause exists that a violation may have occurred, the committee shall so notify the ~~person complained against~~ complaining Senator and the Senator complained against. At that time, the written complaint and the formation of the committee shall no longer be confidential, but shall become a public document. Such person The Senator complained against may request a hearing before the committee, before which he shall be entitled to appear, present evidence, cross-examine witnesses, and be represented by counsel. The committee shall have the power to take testimony under oath and to issue subpoenas and subpoenas duces tecum in the manner provided in ~~Section 67-407~~ Chapter 4, Title 67, Idaho Code.

(~~C~~) After the hearing, ~~t~~The committee may make recommendations to the Senate ~~based upon the investigations conducted and hearings held pursuant to this rule.~~ The committee may recommend dismissal of the charges, reprimand, censure, or expulsion. Expulsion of a Senate member shall require the affirmative vote of two-thirds of the members elected to the Senate, as provided by Section 11 of Article III of the Constitution. Reprimand or censure of a member shall require the affirmative vote of a majority of the members elected to the Senate. Action of the Senate pursuant to this rule is final and not subject to court review.

(~~D~~G) The committee may retain such counsel and may hire such investigators as it deems necessary for the performance of its duties under this rule, or may request an advisory opinion from the Attorney General. All expenditures incurred pursuant to this subsection (~~D~~G) shall be approved by the President Pro Tempore and paid by vouchers and warrants drawn as provided by law from appropriations made to the Legislative Account.

(~~E~~H) The committee may adopt rules of procedure for the orderly conduct of committee meetings, investigations, and hearings, which rules shall be consistent with this rule and other applicable rules of the Senate and state statutes.

(~~F~~I) If the ~~written signed~~ complaint concerns misconduct of the President Pro Tempore, then the duties of the President Pro Tempore in this rule shall be the duties of the floor leader of the same party as the President Pro Tempore.

SR 105, SR 106, and SR 107 were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

## Reports of Standing Committees

March 29, 2012

The JUDICIARY AND RULES Committee reports that S 1303, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

S 1303, as amended in the House, was filed for first reading.

March 28, 2012

The STATE AFFAIRS Committee reports out H 693 with the recommendation that it do pass.

MCKENZIE, Chairman

H 693 was filed for second reading.

March 29, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 697 with the recommendation that it do pass.

CORDER, Chairman

H 697 was filed for second reading.

March 29, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 563 without recommendation.

CORDER, Chairman

H 563 was filed for second reading.

March 29, 2012

The JUDICIARY AND RULES Committee reports out H 660 with the recommendation that it do pass.

DARRINGTON, Chairman

H 660 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

## Messages from the House

March 28, 2012

Dear Mr. President:

I transmit herewith Enrolled H 677, H 678, H 679, H 680, H 681, H 611, H 661, H 624, H 649, H 372, H 575, and HJR 2, as amended, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled H 677, H 678, H 679, H 680, H 681, H 611, H 661, H 624, H 649, H 372, H 575, and HJR 2, as amended, and ordered them returned to the House.

March 29, 2012

Dear Mr. President:

I transmit herewith Enrolled H 684, H 686, H 685, H 672, and H 653 for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled H 684, H 686, H 685, H 672, and H 653 and ordered them returned to the House.

March 28, 2012

Dear Mr. President:

I return herewith [S 1386](#), [S 1412](#), [S 1413](#), [S 1414](#), [S 1357](#), as amended, and [S 1348](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[S 1386](#), [S 1412](#), [S 1413](#), [S 1414](#), [S 1357](#), as amended, and [S 1348](#), as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 28, 2012

Dear Mr. President:

I return herewith Enrolled [S 1343](#), [S 1363](#), [S 1365](#), [S 1366](#), and [S 1373](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1343](#), [S 1363](#), [S 1365](#), [S 1366](#), and [S 1373](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 29, 2012

Dear Mr. President:

I return herewith Enrolled [S 1256](#), as amended in the House, [S 1390](#), as amended, [S 1395](#), [S 1406](#), [S 1407](#), [S 1409](#), [S 1410](#), and [S 1408](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1256](#), as amended in the House, [S 1390](#), as amended, [S 1395](#), [S 1406](#), [S 1407](#), [S 1409](#), [S 1410](#), and [S 1408](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

[S 1303](#), as amended in the House, by Agricultural Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

[H 693](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 563](#) and [H 697](#), by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

[H 660](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### **Third Reading of Bills**

##### **Motion to Suspend Rules**

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of [H 693](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 693](#) be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[H 693](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS—Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared [H 693](#) passed, title was approved, and the bill ordered returned to the House.

##### **Motion to Suspend Rules**

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [H 697](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 697](#) be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[H 697](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 28.

NAYS—Fulcher, McKague, Mortimer, Nuxoll, Pearce, Schmidt, Vick. Total - 7.

Total - 35.

Whereupon the President declared [H 697](#) passed, title was approved, and the bill ordered returned to the House.

#### **Motion to Suspend Rules**

Moved by Senator Winder, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [H 660](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 660](#) be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[H 660](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Lodge disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Bilyeu. Total - 1.

Total - 35.

Whereupon the President declared [H 660](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Twelfth Order of Business.

#### **Second Reading of Bills**

##### **Motion to Suspend Rules**

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [S 1303](#), as amended in the House, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1303](#), as amended in the House, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Bilyeu, Bock, LeFavour. Total - 3.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1303](#), as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Heider, Hill, Keough, LeFavour, Lodge, Malepeai, McKenzie, Schmidt, Smyser, Stennett, Toryanski, Vick, Werk, Winder. Total - 24.

NAYS—Bair, Fulcher, Hammond, Johnson, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Tippets. Total - 11.

Paired and voting included in roll call:

AYE - Bilyeu

NAY - Fulcher

Total - 35.

Whereupon the President declared [S 1303](#), as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

#### **Reports of Standing Committees**

March 29, 2012

The JUDICIARY AND RULES Committee reports that [SR 105](#), [SR 106](#), and [SR 107](#) have been correctly printed.

DARRINGTON, Chairman

[SR 105](#), [SR 106](#), and [SR 107](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.



### Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote the Senate recessed at 12:55 p.m. until the hour of 1:30 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Broadsword, Lodge and McKague, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 29, 2012

The JUDICIARY AND RULES Committee reports that Enrolled [S 1343](#), [S 1363](#), [S 1365](#), [S 1366](#), [S 1373](#), [S 1256](#), as amended in the House, [S 1390](#), as amended, [S 1395](#), [S 1406](#), [S 1407](#), [S 1409](#), [S 1410](#), and [S 1408](#) were delivered to the Office of the Governor at 11:55 a.m., March 29, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 29, 2012

The JUDICIARY AND RULES Committee reports that [S 1386](#), [S 1412](#), [S 1413](#), [S 1414](#), [S 1357](#), as amended, and [S 1348](#), as amended, have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1386](#), [S 1412](#), [S 1413](#), [S 1414](#), [S 1357](#), as amended, and [S 1348](#), as amended, and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

March 29, 2012

Dear Mr. President:

I transmit herewith [H 477](#), as amended, and [H 698](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 477](#), as amended, and [H 698](#) were filed for first reading.

March 29, 2012

Dear Mr. President:

I return herewith [S 1415](#) and [S 1416](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1415](#) and [S 1416](#) were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 477](#), as amended, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 698](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

Senators McKague, Broadsword, and Lodge were recorded present at this order of business.

March 29, 2012

The EDUCATION Committee reports out [H 662](#) and [H 698](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 662](#) and [H 698](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

March 29, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

### [S 1344](#)

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

March 29, 2012

Dear Mr. President:

I transmit herewith [H 701](#), [H 702](#), and [H 703](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 701](#), [H 702](#), and [H 703](#) were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 701](#), [H 702](#), and [H 703](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

March 29, 2012

The FINANCE Committee reports out [H 701](#), [H 702](#), and [H 703](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 701](#), [H 702](#), and [H 703](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

[H 662](#) and [H 698](#), by Education Committee, were read the second time at length and filed for third reading.

### Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of [H 701](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 701](#) be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Andreason, Cameron, Corder, Fulcher. Total - 4.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[H 701](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Corder. Total - 2.

Total - 35.

Whereupon the President declared [H 701](#) passed, title was approved, and the bill ordered returned to the House.

### Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [H 702](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 702](#) be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[H 702](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 702](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Broadsword, Chairman and Senators McKague and LeFavour to escort the committee from the House of Representatives, consisting of Representatives Schaefer, Lake and Killen, into the Senate Chamber. The House committee informed the President and the members of the Senate that the House had completed its business and was ready to adjourn *Sine Die*.

### Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [H 703](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 703](#) be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[H 703](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 703](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

### Motions and Resolutions

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate consideration of [SR 105](#) be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that [SR 105](#) was before the Senate for final consideration.

Moved by Senator Toryanski, seconded by Senator Stennett, that [SR 105](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [SR 105](#) adopted, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate consideration of [SR 106](#) be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that [SR 106](#) was before the Senate for final consideration.

Moved by President Pro Tempore Hill, seconded by Senator Mortimer, that [SR 106](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS—Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared [SR 106](#) adopted, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

Moved by Senator Winder, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate consideration of [SR 107](#) be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that [SR 107](#) was before the Senate for final consideration.



Moved by Senator Davis, seconded by Senator Mortimer, that [SR 107](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS—Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared [SR 107](#) adopted, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

On request by Senator Heider, granted by unanimous consent, the following Statement of Legislative Intent for **HJR 2** was ordered spread upon the pages of the Journal:

#### STATEMENT OF LEGISLATIVE INTENT

##### HJR 2

This amendment to the Constitution of the State of Idaho expressly guarantees the citizens of Idaho the right to hunt, fish and trap within the rules and regulations set forth by the Idaho Department of Fish and Game. Furthermore, it provides that the right to hunt, fish or trap may be lost due to a violation of the rules or regulations set forth by the Idaho Department of Fish and Game or other statute. Although hunting, fishing and trapping are preferred methods for managing wildlife, the amendment recognizes that in some instances other methods of management may be necessary. Private property and water rights should not be affected by this resolution.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

#### Third Reading of Bills

##### Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [H 563](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 563](#) be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Hammond. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[H 563](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS—Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared [H 563](#) passed, title was approved, and the bill ordered returned to the House.

#### Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [H 662](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 662](#) be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[H 662](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 662](#) passed, title was approved, and the bill ordered returned to the House.

### Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [H 698](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 698](#) be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[H 698](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS—Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared [H 698](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

### Messages from the House

March 29, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

March 29, 2012

The JUDICIARY AND RULES Committee reports that [S 1303](#), as amended in the House, [S 1415](#), and [S 1416](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1303](#), as amended in the House, [S 1415](#), and [S 1416](#) and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Hammond, Chairman, and Senators Nuxoll and Bilyeu to notify the House of Representatives that the Senate had completed its business and was ready to adjourn *Sine Die*. The committee was excused.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Darrington, Chairman, and Senators Smyser and Malepeai to notify the Governor that the Senate had completed its business and was ready to adjourn *Sine Die*. The committee was excused.

The committee appointed to wait upon the House of Representatives returned and reported that it had delivered the Senate's message. The committee conveyed the Speaker's response to the President and the members of the Senate.

The President thanked and discharged the committee.

The committee appointed to wait upon the Governor returned and reported that it had delivered the Senate's message. The committee conveyed the Governor's response to the President and the members of the Senate.

The President thanked and discharged the committee.

President Pro Tempore Hill ordered the Sergeant at Arms to retrieve the Idaho State flags that had been raised over the Senate Chamber during the Second Regular Session of the Sixty-first Legislature of the State of Idaho. The flags were then presented to Senators Smyser, LeFavour, Hammond, McKague, Bilyeu, Broadsword, Malepeai, Andreason and Darrington, in honor of their exemplary service to the Senate.

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote the Second Regular Session of the Sixty-first Legislature of the Idaho Senate adjourned *Sine Die* at 7:10 p.m., Thursday, March 29, 2012, in honor of retiring Senators Darrington, Andreason, Malepeai, Broadsword, Bilyeu, McKague, Hammond, LeFavour and Smyser.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

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[Note: The following is action recorded after Senate *Sine Die*:]

March 30, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 693](#), [H 697](#), [H 660](#), [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 693](#), [H 697](#), [H 660](#), [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) and ordered them returned to the House.

March 30, 2012

Dear Mr. President:

I return herewith Enrolled [S 1303](#), as amended in the House, [S 1415](#), [S 1416](#), [S 1386](#), [S 1412](#), [S 1413](#), [S 1414](#), [S 1357](#), as amended, and [S 1348](#), as amended, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1303](#), as amended in the House, [S 1415](#), [S 1416](#), [S 1386](#), [S 1412](#), [S 1413](#), [S 1414](#), [S 1357](#), as amended, and [S 1348](#), as amended, were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 30, 2012

The JUDICIARY AND RULES Committee reports that Enrolled [S 1303](#), as amended in the House, [S 1415](#), [S 1416](#), [S 1386](#), [S 1412](#), [S 1413](#), [S 1414](#), [S 1357](#), as amended, and [S 1348](#), as amended, were delivered to the Office of the Governor at 2 p.m., March 30, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 3, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1231](#), as amended, [S 1243](#), as amended in the House, as amended in the House, [S 1256](#), as amended in the House, [S 1270](#), [S 1271](#), [S 1279](#), [S 1280](#), [S 1286](#), [S 1293](#), [S 1295](#), as amended, [S 1303](#), as amended in the House, [S 1304](#), [S 1326](#), [S 1327](#), [S 1328](#), [S 1329](#), [S 1330](#), [S 1337](#), as amended, [S 1338](#), [S 1341](#), [S 1343](#), [S 1360](#), [S 1383](#), as amended, [S 1388](#), [S 1389](#), [S 1391](#), [S 1392](#), [S 1394](#), [S 1395](#), [S 1396](#), [S 1397](#), [S 1398](#), [S 1399](#), [S 1400](#), [S 1402](#), [S 1403](#), [S 1404](#), [S 1405](#), [S 1406](#), [S 1407](#), [S 1409](#), [S 1410](#), [S 1412](#), [S 1413](#), [S 1414](#), [S 1415](#), and [S 1416](#)

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 5, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1255](#), as amended, as amended, [S 1274](#), as amended in the House, [S 1294](#), as amended, [S 1309](#), [S 1313](#), [S 1348](#), as amended, [S 1356](#), as amended, [S 1357](#), as amended, [S 1363](#), [S 1365](#), [S 1366](#), [S 1370](#), [S 1373](#), [S 1386](#), [S 1390](#), as amended, [S 1393](#), [S 1401](#), and [S 1408](#)

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 10, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I hereby advise you that I have transmitted today to the Secretary of State, the following Senate Bill, which was allowed to become law without my signature:

[S 1321](#), as amended

as prescribed by the Constitution.

Idaho Code 36-111 establishes a set-aside feeding account funded by a portion of the fee for antelope, elk and deer tags. The statute provided for \$1.50 from each tag and put at least half that amount into the separate feeding account to be used for winter feeding and winter range rehabilitation.

Previously, statute allowed for expenditure of winter feeding account funds for all costs associated with winter feeding. Senate Bill 1321a restricts expenditures to only "blocks, pellets and hay." Current winter feeding expenditures that appear to be restricted by S1321a are: 1) motorized vehicle travel costs used to deliver winter feed; 2) emergency temporary personnel costs associated with winter feeding; 3) travel reimbursement costs for volunteers, and 4) equipment costs, such as feed troughs, sleds, and winter feed storage facilities.

Necessary costs associated with winter feeding, but not covered by the winter feeding fund, most likely will be shifted to other license-funded budgets, diminishing other programs important to sportsmen. There would no longer be any "problem solving" of winter feeding issues via range rehabilitation.

Hunters, who have long supported the mission off this account to support emergency winter feeding and long-term natural feeding via winter range rehabilitation would find the use of their license funds restricted.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

#### CERTIFICATE

State of Idaho                                 )  
  )  
Senate Chamber, Boise, Idaho         )

We, BRAD LITTLE, President of the Senate, and JENNIFER NOVAK, Secretary of the Senate, do hereby certify and attest as follows:

That the daily Senate Journal of the proceedings of March 29, 2012 Legislative Day, has been read and approved:

And, said Journal contains a true, complete, and accurate record of all Senate proceedings of said day, including final actions by the Senate and the Governor of the State of Idaho, as statutorily mandated.

IN WITNESS WHEREOF, we have hereunto set our hand this April 11, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

\*\*\*\*\*